IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8491 OF 2005

Sudhakar Dadaji Sonawane . .. Petitioner.

vs.

Minal Sudhakar Sonawane .. Respondent .

Mr. N.R. Bubna for petitioner.

Ms. L.H. Belindage for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 15th December, 2005.

P.C.:

. By consent of the parties, the following order is passed.

1. In so far as the order of maintenance fixed by the criminal Court of Rs. 3,000/- for the wife and Rs. 3,000/- for child is confirmed. The arrears of Rs. 1,30,000/- to be cleared in 18 equal monthly instalments commencing from 1.1.2006. In so far as the maintenance fixed in criminal Misc. Application No. 94 of 2003 is concerned, the petitioner will not be liable to pay the same if he pays regularly the amount as fixed hereinabove. In

an event of any two defaults in payment of the aforesaid amount, the maintenance fixed by the Criminal Court will also come into operation.

2. It is clarified that the respondent will be at liberty to re-apply for the maintenance under Section 125 of the Criminal Procedure Code after the interim maintenance fixed by the Court in the impugned orders ceases to operate. The respondent will also be entitled to withdraw the amount of arrears of maintenance deposited by the petitioner before the criminal court.